

REMARKS

Claims 1-4, 6-7, 9, 13-18, 21-24, 26, and 40-59 are pending, of which claims 1-4 and claims 44-59 have been withdrawn from consideration. Claims 5, 10, 19-20, 25, 27-35 are cancelled without prejudice or disclaimer. Claims 8, 11, 12 and 36-39 were previously cancelled without prejudice or disclaimer.

The claims have been amended and other claims cancelled in view of the official action and to more accurately state what Applicant believes to be his invention. No new subject matter has been added by the foregoing amendments. In particular, Claim 40 has been amended to claim an anode for an electrochemical cell comprising a battery grade zinc powder comprising zinc metal or zinc alloy particles, the zinc metal or zinc alloy particles having an aspect ratio of between 8 and 22 and a particle size distribution with a log normal slope of 2, the zinc powder being suspended in a fluid medium.

Claims 5 and 15-20 were rejected under 35 USC 103 as obvious over Huot (US 6,344,295) in view of Fujii et al. (JP 07-069631). Claims 5 and 15-20 are cancelled without prejudice or disclaimer.

Therefore, this rejection is moot.

Claim 6 was rejected under 35 USC 103 as obvious over Huot (US 6,344,295) in view of Fujii et al. (JP 07-069631) further in view of Clash (US 09/403,965). Claim 6 is cancelled without prejudice or disclaimer.

Therefore, this rejection is moot.

Claim 7 was rejected under 35 USC 103 as obvious over Huot (US 6,344,295) in view of Fujii et al. (JP 07-069631) further in view of Clash (US 09/403,965) further in view of Urry (US 6,022,639). Claim 7 is cancelled without prejudice or disclaimer.

Therefore, this rejection is moot.

Claim 9 was rejected under 35 USC 103 as obvious over Huot (US 6,344,295) in view of Fujii et al. (JP 07-069631) further in view of Chi (US 6,479,188). Claim 9 is cancelled without prejudice or

disclaimer.

Therefore, this rejection is moot.

Claim 10 was rejected under 35 USC 103 as obvious over Huot (US 6,344,295) in view of Fujii et al. (JP 07-069631) further in view of Chi (US 6,479,188) further in view of Urry (US 6,022,639). Claim 10 is cancelled without prejudice or disclaimer.

Therefore, this rejection is moot.

Claim 13 was rejected under 35 USC 103 as obvious over Huot (US 6,344,295) in view of Fujii et al. (JP 07-069631) further in view of Urry (US 6,022,639). Claim 13 is cancelled without prejudice or disclaimer.

Therefore, this rejection is moot.

Claim 14 was rejected under 35 USC 103 as obvious over Huot (US 6,344,295) in view of Fujii et al. (JP 07-069631) further in view of Goldstein et al. (US 6,015,636). Claim 14 is cancelled without prejudice or disclaimer.

Therefore, this rejection is moot.

Claims 15-20 were rejected under 35 USC 103 as obvious over Huot (US 6,344,295) in view of Fujii et al. (JP 07-069631) further in view of Durkot et al. (US 2002/0155352). Claims 15-20 are cancelled without prejudice or disclaimer.

Therefore, this rejection is moot.

Claims 21-35 were rejected under 35 USC 103 as obvious over Huot (US 6,344,295) in view of Fujii et al. (JP 07-069631) further in view of Daniel-Ivad et al. (US 7,008,723). Claims 21-35 are cancelled without prejudice or disclaimer.

Therefore, this rejection is moot.

Claims 40-43 were rejected under 35 USC 103 as obvious over Huot (US 6,344,295) in view of Fujii et al. (JP 07-069631) further in view of Urry (US 6,627,349) further in view of Urry (US 6,333,127) and still further in view of Guo et al. (US 6,602,629). Claim 40 as amended overcomes this objection.

Huot discloses mercury and lead free rechargeable batteries comprising anodes fabricated from a zinc-bismuth alloy powder having a log normal distribution of about 1.6. No discussion is made of the shape of the particles used, but as the powders are fabricated using an air atomisation process (see column 5, lines 48 through 55) they will necessarily be generally spherical or lightly acicular (aspect ratio of 2 or thereabouts) in shape. Therefore, Huot does not disclose a battery-grade zinc powder comprising zinc metal or zinc alloy particles having an aspect ratio of between 8 and 22.

Fuji et al., a copy of an English-language translation of which is attached hereto for the Examiner's convenience, discloses a flake-shaped electrically conductive zinc oxide and production method. However, referring to paragraph [0001] of the detailed description of Fuji et al., it is apparent that the discovery of Fuji et al. is related to materials for the addition to resins or the like in order to provide electrically conductive coatings, in particular to impart to them antistatic properties. Fuji et al. does not relate to powders for use in battery anodes and the like. As a result, nowhere in the applied references is there a motivation to combine the teachings of Fuji et al. with any of the other cited prior art references in order to arrive at the anode as now claimed at Claim 40 of the present invention. In view of the above, Applicant submits that Claim 40 as amended is an allowable claim. As the remaining claims depend from an allowable claim, Applicant submits that they, too, are allowable claims.

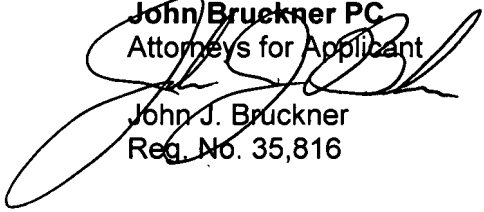
In accordance with 37 CFR 1.136(a) pertaining to patent application processing fees, Applicant requests an extension of time from June 21, 2007 to July 21, 2007 in which to respond to the Office Action dated March 21, 2007. A notification of extension of time is filed herewith.

An appendix including a copy of the English translation of JP 07-069631 by Fuji et al. is attached following the last page of this paper. The Examiner is invited to telephone the undersigned (at direct line 928-226-1073) for prompt action in the event issue(s) remain that prevent the allowance of all pending claims.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3204 of John Bruckner PC.

Dated: Sept 23, '07
PO Box 480
Flagstaff, AZ 86002
Tel. (928) 226-1073
Fax. (928) 266-0474

Respectfully submitted,
John Bruckner PC
Attorneys for Applicant


John J. Bruckner
Reg. No. 35,816